

Public Document Pack

Cabinet

10 November 2017

**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 10TH NOVEMBER, 2017 AT 10.30 AM
ESSEX HALL, TOWN HALL, CLACTON-ON-SEA, CO15 1SE**

Present: Councillors Stock (Chairman), C Guglielmi, Fairley, Honeywood, McWilliams, Nicholls, Skeels (Snr) and Talbot

Group Leaders Present by Invitation:

Councillor Joy Broderick, Councillor Robert Bucke, Councillor Anne Davis, Councillor Ivan Henderson and Councillor Mark Stephenson

Also Present: Councillor Andy Baker

In Attendance: Ian Davidson (Chief Executive), Martyn Knappett (Corporate Director (Corporate Services)), Paul Price (Corporate Director (Operational Services)), Ewan Green (Corporate Director (Planning and Regeneration)), Lisa Hastings (Head of Governance and Legal Services), Richard Barrett (Head of Finance, Revenues and Benefits Services), Tim Clarke (Head of Housing), Anastasia Simpson (Head of People, Performance and Projects), Ian Taylor (Head of Public Realm), Ian Ford (Committee Services Manager) and Nigel Brown (Communications and Public Relations Manager)

88. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor L J M Gray (Leader of the Independent Alliance Group) and Councillor G G I Scott (Leader of the Tendring First Liberal Democrats Group).

89. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting of the Cabinet, held on Tuesday 5 September 2017, be approved as a correct record and signed by the Chairman.

90. DECLARATIONS OF INTEREST

Councillor G V Guglielmi declared an interest in Agenda Item 21 - Formal Consultation on the future of two Sheltered Housing Schemes (Report A.16) insofar as he lived adjacent to the Honeycroft, Lawford Sheltered Housing Scheme.

Councillor Bucke declared interests in Agenda Item 6 - Reference from Council – A.1 - Petition: "Say No To Plans For Millennium Square – Save Our Trees & £90,000" and Agenda Item 21 - Formal Consultation on the future of two Sheltered Housing Schemes (Report A.16) insofar as he was also a member of Frinton and Walton Town Council.

Councillor Baker declared an interest in Agenda Item 21 - Formal Consultation on the future of two Sheltered Housing Schemes (Report A.16) insofar as he was the Ward Member for Lawford.

91. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

The Leader of the Council (Councillor Stock OBE) informed Cabinet that, further to the decision taken by the Local Plan Committee at its meeting held on 2 November 2017 (Minute 13 referred), he had written to the Secretary of State for Communities and Local Government Sajid Javid MP, regarding the concerns of that Committee on the effect of recent Planning Inspectors' decisions on planning appeals which had negatively impacted on the Council's Housing Land Supply position.

The Leader of the Council also informed Cabinet that, following the receipt of Counsel's opinion, the Council would be challenging the Planning Inspector's decision on the Sladbury Lane, Clacton-on-Sea planning appeal.

92. ANNOUNCEMENTS BY CABINET MEMBERS

There were none on this occasion.

93. MATTERS REFERRED TO THE CABINET BY THE COUNCIL - REFERENCE FROM COUNCIL - A.1 - PETITION: "SAY NO TO PLANS FOR MILLENNIUM SQUARE, WALTON-ON-THE-NAZE - SAVE OUR TREES AND £90,000

Councillor Bucke had earlier declared an interest in this item insofar as he was also a member of Frinton and Walton Town Council.

Cabinet was aware that, at the meeting of Council held on 5 September 2017, the Chief Executive had reported the receipt of a petition submitted by Mr Brian Green (the lead petitioner) from Walton-on-the-Naze. The petition had been signed by 75 residents of the District and stated:

"Say no to plans for Millennium Square – Save our trees & save the £90,000".

In a covering letter, the lead petitioner referred to the Cabinet's recent decision to alter the configuration of the Millennium Square in Walton-on-the-Naze at a cost of £90,000. The letter had stated that the scheme necessitated the destruction of two mature horse chestnut trees (with Tree Preservation Orders on them) and the loss of 10 parking spaces in the area that desperately needed parking provision in order to bring more trade to the shops in the High Street. Reference had also been made to a lack of consultation with the effected residents.

In accordance with the Council's scheme for dealing with petitions this matter would be reported and presented to the Cabinet on the basis that it had contained between 30 and 249 signatures. Mr Green, as the lead petitioner, had been invited to address the Cabinet, present the petition and outline the action that the petitioners wanted the Council to take. Subsequently, Cabinet would discuss the petition and decide what action, if any, should be taken. Mr Green would then be informed, in writing, of the Cabinet's decision and the decision would also be published on the Council's website.

Cabinet recalled that, at its meeting held on 14 July 2017, it had received a report by the former Portfolio Holder for Commercialisation, Seafronts and Parking (Report A.7), which had sought its approval for public realm improvements to the Millennium Square, Walton-on-the-Naze, including funding from the Regeneration and Growth Budget.

Cabinet further recalled that the Millennium Square located within the High Street Car Park, Walton-on-the-Naze had been conceived and developed in order to provide a meeting place for visitors to the town centre and a focal point for events. The original design and concept had created a shared area of public space used primarily for car parking, but which could also be used for local events on an ad hoc basis but the reality had been that the result had compromised both and did not perfectly meet either of the Council's ambitions.

Therefore, the proposal that Cabinet had considered at its meeting on 14 July 2017 was:

- an enhanced and more attractive public area designed to encourage increased use of high quality public realm in the heart of the town centre; and
- to provide options for year round outdoor market pitches or other uses of the public area that would also provide more effective year round use of the car parking area.
- the specifications for construction, the preferred design and mood board of materials were attached to the aforesaid report as Appendix A for Cabinet's consideration.

It was reported that the estimated cost for delivering this project was £90,000. Project costs could be reduced if required, or met as outlined in the financial section of the aforementioned report.

Having considered the information submitted and the advice of Officers contained within the report, Cabinet had decided to note the contents of the portfolio holder's report and had:-

- a) *approved the principle of public realm improvements to the Millennium Square Walton on-the-Naze, as outlined in Appendix A to item A.7 of the Report of the Portfolio Holder for Commercialisation, Seafronts and Parking;*
- b) *authorised the seeking of statutory or other consents and agreements as may be required;*
- c) *authorised a contribution of £50,000 towards delivery of the proposed scheme to be funded from the Regeneration and Growth budget;.*
- d) *requested that the Head of Public Realm completes the design and costing of the project; and*
- e) *authorised the Corporate Director (Operational Services), in consultation with the Portfolio Holder for Commercialisation, Seafronts and Parking and the Portfolio Holder for Planning and Regeneration, to invite tenders, enter into contracts or commission works by the Engineering Services Team in order to complete the project within the budget and approvals.*

Mr Green, as the lead petitioner, addressed the Cabinet, presented the petition and outlined the action that the petitioners wanted the Council to take. A copy of the petition together with a covering letter submitted by Mr Green was before members of the Cabinet.

Having heard Mr Green's address Cabinet was aware that there were several courses of action available to it, including:

- taking no action (with reasons as to why no action was proposed);
- taking the action requested in the petition;

- undertaking research into the matters raised (this could include referring the matter to the relevant Portfolio Holder, or officer of the Council) and holding a meeting with the petitioners;
- referring the petition to the relevant Overview and Scrutiny Committee; and
- holding a public meeting.

Having considered the petition and the address made by Mr Green and in the light of the fact that the Council's regeneration aspirations for Walton-on-the-Naze would no longer be met by this project:-

It was moved by Councillor Stock, seconded by Councillor G V Guglielmi and:

RESOLVED that the previous decision taken by the Cabinet at its meeting held on 14 July 2017 (Minute 76) on this matter be rescinded.

94. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE COMMUNITY LEADERSHIP AND PARTNERSHIPS COMMITTEE - A.2 - ONLINE TENDRING LOTTERY

Cabinet was informed that, at the meeting of the Community Leadership and Partnerships Committee held on 2 October 2017, Members had been consulted on a potential initiative to launch an online Tendring lottery, using an external lottery manager, to help fund discretionary support to local voluntary and community sector and to enable good causes to raise funds directly.

The Council's Head of Customer and Commercial Services (Mark Westall) had given the Committee an overview of the potential initiative to launch an online Tendring lottery. The Committee had also had before it a report of the Corporate Director (Operational Services) which had reported that as budget pressures had continued to grow on all aspects of the Council's work, there would inevitably be an impact on the funding available for good causes.

It was further reported that a Tendring Lottery had the potential to help organisations address any future funding pressures and also would move the Council into the position of enabler, helping communities to use their capacity to become more resilient and to self-help.

Members were informed that the report had addressed those issues and had provided a model for the implementation of an online Tendring lottery.

The Council's Head of Customer and Commercial Services had informed the Committee that they were being consulted in order to gain their views on the proposed initiative for the Health and Education Portfolio Holder to take into account before progressing with the project and gaining the relevant authority and permissions.

Members had raised questions and concerns which were responded to by Officers.

Councillor McWilliams (Health and Education Portfolio Holder) had given her view to the Committee on the proposed initiative.

The Community Leadership and Partnerships Committee had decided that -

“the Committee supports the Health and Education Portfolio Holder’s proposal to introduce an online District Lottery as outlined in this report and provides the following observations to be considered before the initiative is progressed and the necessary approvals and permissions are sought:

- a. the proceeds to be retained by the Council for allocation to good causes should be managed and allocated by the Big Society Fund Panel subject to a review being conducted on how the Big Society Fund works to ensure that fair shares are distributed across the District.*
- b. a consultation with local charities should take place, facilitated by TCVS, to enable their feedback to be considered and to ensure that smaller scale charities are not missed out;*
- c. the Committee retains some concerns around the ethics of a lottery and accessibility given that the lottery would be internet based and not all residents have access to the necessary IT.”*

Having considered the comments of the Community Leadership and Partnerships Committee:

It was moved by Councillor McWilliams, seconded by Councillor Fairley and:

RESOLVED that the Community Leadership and Partnerships Committee be thanked for its support of this project and its helpful suggestions, which will be taken into account in bringing this project forward to a future meeting of Cabinet for consideration.

95. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE CORPORATE MANAGEMENT COMMITTEE - A.3 - WASTE AND RECYCLING

Cabinet was informed that, at the meetings of the Corporate Management Committee held on 24 July and 14 August 2017, 2017 the Committee had received a presentation from the Head of Environmental Services and the Environment Portfolio Holder.

That presentation had included an overview of the following:

- Background information regarding current waste contract.
- Recycling figures, including comparisons over the past three years.
- Future service options.
- Appointment of consultants undertaking a review of the current service and future options for the service.
- Tender process for waste and recycling contracts.

A number of questions had been asked by the Committee and answered by the Officer. Some questions had required the input of Officers from different Council services and were subsequently answered in writing following the meetings.

The Corporate Management Committee had decided to recommend to Cabinet that -

-
- (a) *A working party be set up by the Cabinet, in order to assist in the preparation and drawing up of the new waste contract.*
- (b) *An All Members' Briefing to take place in Spring 2018, or at the relevant time, to enable Members to discuss, and comment on, the proposals for the new waste and recycling contract.*

The Cabinet had before it the following responses of the Environment Portfolio Holder made in response to the recommendations of the Corporate Management Committee:

"Member Working Party

A Member Working Party is currently unlikely to add value to this process as the focus at this point is to align the financial constraints in relation to the potential service options and if options are widened at this point by a Member Working Party it may slow the process up and require extra work which may not deliver an outcome.

In addition this contract is usually dealt with by a set of agreed objectives for inclusion in a new contract which is prepared and submitted to each of those invited to tender. The tenderer is invited to put forward any proposals of their own for improving the service and often these have proved of great value.

The Constitution itself particularises in Part 5 contracts over £50,000 in Section 5 under 'Tender Rules', so therefore the procedure as laid down will be followed.

All Members' Briefing

I support the suggested Members' briefing in relation to the waste contract and in particular this will allow members to appreciate the increased costs imposed on our present contractor by legislation which will impose a premium on any future contract."

Having considered the recommendations of the Corporate Management Committee and the responses thereto of the Environment Portfolio Holder:

It was moved by Councillor Talbot, seconded by Councillor McWilliams and:

RESOLVED that –

- (a) a Member Working Party for the new waste contract be not set up as it will not add any substantial value to this process; and
- (b) a Members' briefing be held on the renewal of the waste contract in Spring 2018, or at a relevant time, to enable Members to discuss, and comment on, the proposals for the new waste and recycling contract.

96. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE CORPORATE MANAGEMENT COMMITTEE - A.4 - PERFORMANCE MANAGEMENT - QUARTER ONE

Cabinet was informed that, at the meeting of the Corporate Management Committee held on 25 September 2017, the Committee had received a report from the Corporate

Director, Corporate Services regarding the Council's Quarter 1 Performance (April 2017 to June 2017).

It was explained to Members at that meeting that the report included 15 indicators and projects where performance was measured. Of those 11 (73%) were on, or above, their expected target and 4 (27%) were not currently in line with expected performance. Three of the indicators and projects within the report were deemed non-measurable as the Council's role was that of 'influence' only.

The Corporate Management Committee had decided to comment to Cabinet that –

- (a) *the Committee notes the Council's performance report for the period April to June 2017; and*
- (b) *the Education, Health and Wellbeing and Sickness indicators be removed from the Performance Report for the Corporate Management Committee due to the fact that those items were reported to the Human Resources Committee and the Community Leadership and Partnerships Committee.*

The Cabinet had before it the following response of the Finance and Corporate Services Portfolio Holder made in response to the comments of the Corporate Management Committee:

"The Portfolio Holder thanks Corporate Management Committee for their suggestion."

Having considered the comments of the Corporate Management Committee and the response thereto of the Financial and Corporate Services Portfolio Holder:

It was moved by Councillor G V Guglielmi, seconded by Councillor Stock and:

RESOLVED that the full range of existing indicators should remain in the Performance Report for the benefit of Cabinet and that the Corporate Management Committee can choose not to scrutinise the indicators it has highlighted if they so wish.

97. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE CORPORATE MANAGEMENT COMMITTEE - A.5 - CORPORATE BUDGET MONITORING FOR THE FIRST QUARTER OF 2017/18

Cabinet was informed that the Corporate Management Committee, at its meeting held on 25 September 2017, had considered a report from the Corporate Director, Corporate Services regarding the Council's Corporate Budget Monitoring for the First Quarter 2017/18.

The Corporate Management Committee had decided that the following comments be put to Cabinet, namely that –

- (a) *the Committee notes the report; and*
- (b) *the Committee proposes that a review be undertaken in regards to Council owned Garages in the District to determine if the service that is currently being offered is considered cost effective.*

The Cabinet had before it the following response of the Finance and Corporate Services Portfolio Holder made in response to the comments of the Corporate Management Committee:

“The Portfolio Holder thanks Corporate Management Committee for their comments.”

Having considered the comments of the Corporate Management Committee and the response thereto of the Financial and Corporate Services Portfolio Holder:

It was moved by Councillor G V Guglielmi, seconded by Councillor McWilliams and:

RESOLVED that a review of Council owned garages be undertaken, and that the findings be reported back to Corporate Management Committee, in accordance with that Committee’s work programme.

98. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE CORPORATE MANAGEMENT COMMITTEE - A.6 - LONG TERM FINANCIAL SUSTAINABILITY PLAN/TEN YEAR FORECAST

Cabinet was informed that, at the meeting of the Corporate Management Committee held on 25 September 2017, the Committee had received a report from the Corporate Director, Corporate Services regarding the Council’s Long Term Financial Sustainability Plan/Ten Year Forecast.

The Corporate Management Committee had decided to comment to Cabinet that:

- (a) *the Committee supports the Long Term Financial Sustainability Plan / 10 Year Forecast; and*
- (b) *In respect of the money set aside for the beach recharge, the Committee thinks that it is important to ensure that the best return is achieved on the £1.5 million that will be held in reserves in the interim period.*

The Cabinet had before it the following response of the Finance and Corporate Services Portfolio Holder made in response to the comments of the Corporate Management Committee:

“The Portfolio Holder thanks Corporate Management Committee for its comments.”

Having considered the comments of the Corporate Management Committee and the response of the Finance and Corporate Services Portfolio Holder:

It was moved by Councillor G V Guglielmi, seconded by Councillor Fairley and:

RESOLVED that -

- (a) Cabinet is pleased that the Committee supports the Long Term Financial Sustainability Plan and Ten Year Forecast; and
- (b) the Council already has treasury / investment policies in place that seek to obtain the best possible returns on its reserves whilst balancing the security of the investment. However, the Committee’s comments will be considered where

opportunities to obtain greater returns across its entire investment portfolio become available in the future.

99. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE CORPORATE MANAGEMENT COMMITTEE - A.7 - ASSETS UPDATE

Cabinet was informed that, at the meeting of the Corporate Management Committee held on 16 October 2017, the Council's Head of Property Services (Andy White) had given the Committee a presentation on Asset Management. The presentation covered the following:

- The Asset Management Team and what they do;
- Properties and policies; and where to find information;
- Our mission: "Generate and increase revenue" and how to do it;
- Ongoing projects, acquisitions and disposals; and
- Financial changes over 10 years and how to respond.

Members took the opportunity to make suggestions and ask questions which were responded to by the Officer.

The Corporate Management Committee had decided to make recommendations and comments to Cabinet as follows, namely that -

- (a) *smaller disposals are given the same priority, as larger land and property disposals;*
- (b) *Officer time is being taken up sorting and photocopying documents , rather than being solely focused on land disposals;*
- (c) *timescales of moving projects forward , appear to be due to internal Council processes;*
- (d) *CAROS – approaches should be made to users to purchase freeholds or relocate users so that assets can be rationalised;*
- (e) *Parish Councils or neighbouring landowners should be encouraged to purchase or take over the maintenance of small slivers of land;*
- (f) *wherever possible, maximise the use of grants; and*
- (g) *the Committee recognises the hard work of Officers within the Assets Team.*

The Cabinet had before it the following responses of the Finance and Corporate Services Portfolio Holder made in response to the comments and recommendations of the Corporate Management Committee:

"I would like to thank the Corporate Management Committee for their time, consideration and suggestions. I am pleased to see that the property team is now up to full strength again after a few testing months.

Prioritisation of tasks is a tough issue for public authorities. We all want to achieve as much as possible. In an era of financial stress this can lead to difficulties. It's important

that the team should keep a balanced workload: a mixture of large and small transactions and a mixture of disposals and other work, work that makes sure that the basics are in place and that decisions are made based on accurate information. I have been working with the team and will continue to do so to make sure that we make progress on key priorities as well as making sure that we do so from a platform of robust records and information. A balance is needed and I am determined that we should get it right.

Questions around Community Assets are sensitive. We all want to support the community – it's why we all stood to be elected – we also have wide community responsibilities of fairness and wise use of resources. It is my view that a review of Community Halls and of CAROS is overdue. It has been discussed before and I would like to take this opportunity to recommend to my Cabinet colleagues that it is formally requested and that the Committee's recommendation is considered fully in that review.

The Committee's recommendation on smaller pieces of land aligns closely with the aspirations set out in the Property Strategy recently adopted. A careful approach is needed in order to maintain the integrity of our environment and I wouldn't want to see areas of open space carved up, but there is a strong case for identifying areas that do not contribute to the community. There is also a case for looking a gain at public conveniences in parished areas where this is consistent with the Community Asset Transfer Policy and the Public Conveniences Strategy. Our approach needs to be that if property is not contributing we must seek to dispose of it.

I agree that the appropriate seeking of grants is essential and I am pleased to note that much hard work is done in this area by the Council's Corporate Director for Operational Services and the regeneration and seafronts teams who are pursuing a number of funding opportunities at present.

I thank the Committee for their kind words in respect of the work of the team, a sentiment that I echo."

Having considered the comments and recommendations of the Corporate Management Committee and the responses of the Finance and Corporate Services Portfolio Holder:

It was moved by Councillor G V Guglielmi, seconded by Councillor McWilliams and:

RESOLVED that Cabinet:

- (a) requests that, under the direction of the Deputy Leader of the Council, Officers pursue a prioritised and balanced programme of work including both large and small transactions, moving positively forward with that programme while addressing the need for accurate, complete, and accessible records and that these transactions are carried out as expeditiously as properly possible;
- (b) requests that reviews of CAROS and of Community Halls be brought forward for its consideration on the principle that there will be no changes to the terms and conditions of the CAROS scheme for existing recipients of CAROS;
- (c) requests that Officers consider the potential for the care of community land and facilities to be provided within the community and for a renewed emphasis on the disposal of land that does not, and cannot, contribute to the community; and

- (d) requests that Officers continue to seek grant funding of projects and initiatives wherever possible.

100. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE SERVICE DEVELOPMENT AND DELIVERY COMMITTEE - A.8 - REVIEW OF CLACTON AIR SHOW 2017

Cabinet was informed that, at the meeting of the Service Development and Delivery Committee held on 9 October 2017, the Leisure and Tourism Portfolio Holder (Councillor M J D Skeels) had given the Committee a positive review on the Clacton Air Show 2017.

The Council's Head of Sport and Leisure (Mike Carran) had also given the Committee a presentation on Clacton Air Show 2017. The presentation had covered the following:

- (1) Objectives – Maximise Tourist Opportunities through Events.
- (2) This Year's Key Challenges –
 - Managing a large event in 2017;
 - Managing Visitor safety;
 - Spring Tide; and
 - Rising Costs.
- (3) This Year's Success Stories –
 - Partnership Working;
 - Night Flights; and
 - Managing Visitor Numbers.
- (4) The Big Issues –
 - Spectator Numbers;
 - Income;
 - Staffing; and
 - Economic Benefit.
- (5) What was said? –
 - Social Media Highlights
- (6) Learning Points for 2018 –
 - Security;
 - Develop opportunities from pause in flying displays; and
 - Reinforcing the message about sustainability.

Members took the opportunity to make suggestions and ask questions which were responded to by the Officer and the Portfolio Holder.

The Service Development and Delivery Committee had decided to make recommendations and comments to Cabinet as follows, namely that -

- (a) *the Committee recognise and commend the enthusiasm and hard work of the Council's Tourism, Marketing and Events Manager (Sarah Daniells) and Events*

Officer (Jo Needham) and would also like to thank all Council staff that continue to support the Airshow;

(b) the Committee would like consideration to be given:

i.as to how Airshow programmes may be delivered and sold in other towns around the District;

ii.for the provision of extra toilet facilities along the seafront during the Airshow;

iii.to improve the disabled access signage by the hospitality tent; and

iv.to the types of trade stalls that are allocated to Christmas Tree Island and the potential of adding additional trade stalls to the East of Clacton pier.

The Cabinet had before it the following response of the Leisure and Tourism Portfolio Holder made in response to the comments and recommendations of the Service Development and Delivery Committee:

"I thank the Committee for their comments which I will take into account going forward."

Having considered the comments and recommendations of the Service Development and Delivery Committee and the response of the Leisure and Tourism Portfolio Holder:

It was moved by Councillor M J D Skeels, seconded by Councillor Stock and:

RESOLVED that the contents of the report be noted.

101. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE SERVICE DEVELOPMENT AND DELIVERY COMMITTEE - A.9 - LITTER FROM FAST FOOD OUTLETS AROUND THE DISTRICT AND ON THE A120

Cabinet was informed that, at the meeting of the Service Development and Delivery Committee held on 9 October 2017, the Environment Portfolio Holder (Councillor Talbot) had given the Committee an overview on this item.

The Council's Head of Environmental Services (John Fox) and Street Scene Officer (Jonathan Hamlet) were also in attendance to facilitate the discussion of the issue of litter from fast food outlets around the District and on the A120.

The discussion had covered the following:

- (1) Drive through Restaurants in the District;
- (2) Where the litter is coming from;
- (3) Cleaner Essex Group;
- (4) Advertising;
- (5) Eliminating litter;
- (6) Litter bins;
- (7) Community litter picks;
- (8) Educating customers;
- (9) Prosecutions; and
- (10) Moving forward.

Members had taken the opportunity to ask questions which were responded to by Officers and the Portfolio Holder.

The Service Development and Delivery Committee had decided to make comments to Cabinet as follows, namely that consideration be given in regards to:-

- (a) promoting community litter-picks in association with fast-food outlets;
- (b) promoting recycling with schools and youth groups; and
- (c) trialling a small number of litter bins on the A120.

The Cabinet had before it the following response of the Leisure and Tourism Portfolio Holder made in response to the comments of the Service Development and Delivery Committee:

"I thank the Committee for their comments which I will take into account going forward."

Having considered the comments of the Service Development and Delivery Committee and the response of the Environment Portfolio Holder:

It was moved by Councillor Talbot, seconded by Councillor Stock and:

RESOLVED that the contents of the report be noted.

102. LEADER OF THE COUNCIL'S ITEMS - JOINT REPORT OF THE LEADER OF THE COUNCIL AND THE FINANCE AND CORPORATE SERVICES PORTFOLIO HOLDER - A.10 - AMENDMENTS TO THE COUNCIL'S CONSTITUTION - FINANCIAL & PROCUREMENT MATTERS

There was submitted a joint report by the Leader of the Council and the Portfolio Holder for Finance and Corporate Services (Report A.10), which sought Cabinet's approval for a delegation to the Portfolio Holder for Finance and Corporate Resources and to recommend to Council, proposed changes which had been suggested by the Monitoring Officer and the Section 151 Officer as part of an annual review of the Constitution.

It was reported that the main proposed changes related to the Financial and Procurement Procedure Rules and a delegation to the Portfolio Holder for Finance and Corporate Resources, in consultation with the Chief Finance Officer, to agree the outturn position each year. This would provide the necessary flexibility to enable the production and publication of the Council's Statement of Accounts, which must now be prepared and published one month earlier from next year. This delegation would not interfere with the statutory requirement to submit the final accounts to the Audit Committee.

Having considered the information submitted and the advice of Officers contained within the report:

It was moved by Councillor Stock, seconded by Councillor G V Guglielmi and:

RESOLVED that Cabinet –

-
- (a) approves that the Portfolio Holder for Finance and Corporate Resources be authorised, in consultation with the Chief Finance Officer, to agree the outturn position / report each year in order to provide the necessarily flexibility to comply with the new statutory timetable for publishing the Council's Statement of Accounts;
- (b) approves that the Scheme of Delegation – Schedule 3 - Responsibility for Executive Functions Part 3.41 of the Constitution be amended to include that specific delegation; and

RECOMMENDED TO COUNCIL that

- (c) the Council's Constitution be amended to reflect the proposed changes to the Financial and Procurement Procedure Rules as set out in the Appendix to item A.10 to the Joint Report of the Leader of the Council and the Portfolio Holder for Finance and Corporate Services.

103. CABINET MEMBERS' ITEMS - REPORT OF THE ENVIRONMENT PORTFOLIO HOLDER - A.11 - DESTINATION INCLUSIVE PLAY AREA, WALTON-ON-THE-NAZE

There was submitted a report by the Portfolio Holder for the Environment (Report A.11), which –

- a) sought approval for the installation of a destination, inclusive play area on the Bath House Meadow open space, Walton-on-the-Naze based on the design proposed by the selected contractor;
- b) sought approval of the Heads of Terms for the Funding Agreement with Essex County Council and the use of Section 106 contributions to deliver the project; and
- c) sought approval to delegate further details to Officers to facilitate the delivery of the foregoing.

Cabinet was informed that -

- the play area incorporated features intended to showcase the local area and was designed in such a way as to enable all children including those with mobility and other special needs to play and interact with each other;
- the project would also include the refurbishment of the existing play area on the site located on the public open space known locally as Bath House Meadow situated between the Naze Marine Holiday Park and the beach. The unique design and inclusivity of the play area would ensure the play area became a destination in its own right attracting visitors from both inside and outside of the District. The overall cost of the project, estimated at £200,000, was to be funded by means of a grant of £100,000 from Essex County Council (ECC) Short Breaks for Disabled Children, £80,000 from Section 106 contributions applicable to development in the Frinton and Walton area and a contribution of £20,000 from the play area budget;
- Tendring District Council (TDC) had provisionally agreed the Section 106 contribution subject to receipt of the grant from ECC;
- Short Breaks for Disabled Children was in addition to the grant also providing a portable Changing Place facility for the site which would considerably improve access to the play area and the adjacent seaside for children and adults who cannot use standard accessible toilets. This included people with profound and multiple learning disabilities, as well as many other disabled people;

- The provision of such a facility in a tourist area was intended to compliment the Council's commitment to improving accessibility to all areas within the Public Realm and would also afford an opportunity for TDC to improve and regenerate the appearance of the existing site; and
- A play area of this significance and design was anticipated to increase visitor numbers to the District.

Having considered the information submitted and the advice of Officers contained within the report:

It was moved by Councillor Talbot, seconded by Councillor M J D Skeels and:

RESOLVED that Cabinet approves -

- (a) the construction of a Play Area and portable Changing Place facility in Walton-on-the-Naze at the location, shown red, on the Plan attached as Appendix A to item A.11 of the Report of the Environment Portfolio Holder, using a grant of £100,000 from Essex County Council, Section 106 contributions of up to £80,000 and £20,000 from existing play area budget;
- (b) the heads of terms for the Funding Agreement negotiated by the Corporate Director (Operational Services) with Essex County Council, which are set out in Appendix B to the above-mentioned report;
- (c) the final Funding Agreement being completed in consultation with the Head of Governance and Legal Services;
- (d) the selection of Jupiter Play and Leisure for the design and construction of the Play Area following a competitive tender process under a framework agreement. The design and proposal is attached as Appendix C to the aforementioned report; and
- (e) the responsibility for the maintenance and security of the Play Area and Changing Places facility being incorporated into the Public Realm in-house service and the cost being met within existing budgets and resources.

104. CABINET MEMBERS' ITEMS - REPORT OF THE FINANCE AND CORPORATE SERVICES PORTFOLIO HOLDER - A.12 - PERFORMANCE REPORT: JULY - SEPTEMBER 2017 - QUARTER TWO REPORT

There was submitted a report by the Portfolio Holder for Finance and Corporate Resources (A.12), which presented the Performance Report for the period July to September 2017 (Quarter Two).

Cabinet was aware that the Performance Report 2017/18 set out the detailed actions and targets for the delivery of the Council's priorities throughout the year.

It was reported that three of the indicators and projects highlighted in the report were deemed 'non measurable' as the Council's role was that of 'influence' only. Of the 16 indicators and projects where performance was measured, 12 (75%) were on, or above, their expected target and 4 (25%) were not currently in line with the expected performance. Explanations of the performance and the supporting data were included under each topic in the report.

Cabinet was informed that the report would be presented to the Corporate Management Committee at its meeting scheduled for 4 December 2017.

Having considered the information provided, it was moved by Councillor G V Guglielmi, seconded by Councillor Nicholls and it was **RESOLVED** that the contents of the report be noted.

105. CABINET MEMBERS' ITEMS - REPORT OF THE FINANCE AND CORPORATE SERVICES PORTFOLIO HOLDER - A.13 - CORPORATE BUDGET MONITORING REPORT FOR THE SECOND QUARTER OF 2017/18

There was submitted a detailed report and appendices by the Portfolio Holder for Finance and Corporate Resources (A.13), which provided Cabinet with an overview of the Council's actual financial position against the budget as at the end of September 2017 (Quarter Two).

Cabinet was informed that some of the information that was set out in the appendices had been refreshed for 2017/18 and that separate appendices were no longer included for the significant income streams and council tax and business rate information.

The overview covered the following areas of the budget:-

- (1) General Fund Revenue;
- (2) Expenditure Budgets;
- (3) Income Budgets;
- (4) Delivery of Savings 2017/18;
- (5) 2017/2018 Budget Adjustments and Other Issues;
- (6) Housing Revenue Account – Revenue;
- (7) Capital Programme – General Fund;
- (8) Capital Programme – Housing Revenue Account;
- (9) Collection Performance; and
- (10) Treasury Activity.

Having considered the report and appendices, it was moved by Councillor G V Guglielmi, seconded by Councillor McWilliams and **RESOLVED** that:

- (a) the financial position, as at the end of September 2017, be noted;
- (b) in respect of the 2017/18 budget, the central agency staff budget be increased by £0.150m funded by a transfer from the associated vacancy savings accrued to the end of September 2017; and
- (c) in respect of the Council's Treasury Management practices, the aggregate amount of money that can be placed overnight with the Council's bankers be increased temporarily from £1.000m to £1.500m for each day the Council Offices are closed over the Christmas break.

106. CABINET MEMBERS' ITEMS - REPORT OF THE HEALTH AND EDUCATION PORTFOLIO HOLDER - A.14 - TENDRING CHILDREN AND YOUNG PEOPLE'S STRATEGY 2017 - 2020

There was submitted a report by the Portfolio Holder for Health and Education (Report A.14), which sought Cabinet's agreement for the updated Tendring Children & Young People's (C&YP) Strategy 2017 – 2020, including the C&YP Partnership Delivery Plan 2017/2018.

Members were aware Tendring District Council's (TDC) Corporate Plan 2016-2020 put Community Leadership at the heart of everything the Council did and within that context, the children and young people living within the District, their education, safety, health and wellbeing, and raising aspirations continued to be a priority. In the County of Essex, the overall responsibility and accountability for meeting the needs of children and young people in the area rested with Essex County Council as the lead authority. TDC had an influencing role and can also provide support bringing agencies together.

Cabinet was reminded that the Tendring Children & Young People's Partnership Delivery Plan 2015/2016 had been reviewed at the end of December 2016, and an update provided at the meeting of the Community Leadership & Partnership Committee held in January 2017.

It was reported that further work had now been undertaken to research, consult and develop an updated Strategy and Partnership Delivery Plan in order to reflect the changing priorities and needs within the District. Consultation had included members of the North East Essex Children's Partnership, the Tendring Youth Strategy Group, the Tendring Community Safety Partnership, the Tendring Public Health Officer, as well as consideration of feedback from young people and their views on needs and priorities (the Essex Youth Service Young People Consultation 2016).

Cabinet was informed that the revised and updated C&YP Strategy focused on four priority areas. Progress would only be achieved on those priorities through working in partnership. The role of TDC was to influence and bring partners together to support the delivery of tangible outcomes for the children and young people of Tendring. Those four priority areas were –

Start Well – to continue to support schools in improving and maintaining attainment levels, promoting school readiness, and a positive experience and opportunities through school to allow each child to achieve their full potential.

Stay Safe – children and young people feeling safe in their community.

Mental Health & Emotional Wellbeing – enjoying good mental health and wellbeing.

Positive Futures - working together with partners to enable families to lift themselves out of poverty, enhance aspirations and provide opportunities for life long wellbeing.

Cabinet was made aware that at the meeting of the Community Leadership and Partnerships Committee held on 2 October 2017, Members had considered the draft Tendring Children & Young People's (C&YP) Strategy 2017 – 2020, and the Partnership Delivery Plan 2017/2018 and had submitted the following comments to Cabinet, namely that -

“(a) the Committee supports the draft Tendring Children & Young People Strategy 2017 –2020 at Appendix A;

-
- (b) *the Committee supports the draft C&YP Partnership Delivery Plan 2017/2018 at Appendix B in support of the Corporate Plan priorities;*
- (c) *the Tendring Children & Young People Partnership Delivery Plan will be reviewed annually and updates provided to the Community Leadership & Partnerships Committee;*
- (d) *the Committee would like to express that it has very strong concerns about child poverty in the District and the lack of resources available to support early intervention; and*
- (e) *the Committee considers that a more in depth and better understanding of the true levels and causes of child poverty in the District is needed. To this end it was agreed to invite the Essex County Council Child Poverty Officer to a future meeting of the Committee together with representatives from other groups addressing child poverty."*

Having considered the information submitted and the comments of the Community Leadership and Partnerships Committee:

It was moved by Councillor McWilliams, seconded by Councillor G V Guglielmi and:

RESOLVED that

- (a) the comments from the Community Leadership and Partnerships Committee be noted;
- (b) the Tendring Children & Young People's Strategy 2017 – 2020, as set out at Appendix A to item A.14 of the Report of the Health and Education Portfolio Holder, be approved;
- (c) the Children and Young People's Partnership Delivery Plan 2017/2018 as set out at Appendix B to the aforesaid report, be approved in support of the Council's Corporate Plan priorities; and
- (d) the Tendring Children & Young People's Partnership Delivery Plan be reviewed annually with updates provided to the Community Leadership and Partnerships Committee.

107. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING PORTFOLIO HOLDER - A.15 THE LOCAL COUNCIL TAX SUPPORT SCHEME, COUNCIL TAX EXEMPTIONS/DISCOUNTS FOR 2018/19 AND ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT 2018/19

There was submitted a report by the Portfolio Holder for Housing (Report A.15), which sought Cabinet's agreement to recommend to full Council the following:

- Local Council Tax Support Scheme 2018/19 (including associated exceptional hardship policy);
- Council Tax Exemptions and Discounts 2018/19; and
- Annual Minimum Revenue Policy Statement for 2018/19.

Accordingly and in order to allow these matters to progress to Council it was moved by Councillor Honeywood, seconded by Councillor G V Guglielmi and:

RECOMMENDED TO COUNCIL that

- (a) the Local Council Tax Support Scheme (LCTS) remains the same as the current year, as set out as Appendix A to item A.15 of the Report of the Housing Portfolio Holder and that therefore:
 - i) the LCTS be approved with the maximum LCTS award being 80% for working age claimants; and
 - ii) delegation be given to the Corporate Director (Corporate Services), in consultation with the Housing Portfolio Holder, to undertake the necessary steps and actions to implement the LCTS scheme from 1 April 2018.
- (b) the Council Tax Exceptional Hardship Policy, as set out in Appendix B to the aforesaid report, be approved.
- (c) the proposed Council Tax exemptions and discounts (which remain unchanged), as set out in Appendix C to the aforementioned report, be approved and that delegation is given to the Corporate Director (Corporate Services), in consultation with the Housing Portfolio Holder, to undertake the necessary steps and actions to implement the Council Tax exemptions and discounts from 1 April 2018.
- (d) the Annual Minimum Revenue Provision Policy Statement for 2018/19, as set out in Appendix D to the above report, be approved.

108. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING PORTFOLIO HOLDER - A.16 - FORMAL CONSULTATION ON THE FUTURE OF TWO SHELTERED HOUSING SCHEMES

Councillor G V Guglielmi had earlier declared an interest in this item insofar as he lived adjacent to the Honeycroft, Lawford Sheltered Housing Scheme.

Councillor Bucke had earlier declared an interest in this item insofar as he was also a member of Frinton and Walton Town Council.

Councillor Baker had earlier declared an interest in this item insofar as he was the Ward Member for Lawford.

There was submitted a report by the Portfolio Holder for Housing (Report A.16), which informed Cabinet of the outcome from an initial viability assessment into the Spendells and Honeycroft sheltered housing schemes and which sought Cabinet's agreement to commence a formal consultation with residents and affected staff on future proposals for those schemes.

It was reported that, following a request made in 2016 by the Housing Portfolio Holder, viability appraisals of two Sheltered Housing Schemes, Spendells House, Walton-on-the-Naze and Honeycroft, Lawford including the future of those two sites had been undertaken by Officers.

Cabinet was informed that the viability work had considered the level of occupancy at both schemes and the costs associated with running them. Various options had been produced and presented to residents within those Schemes in October 2016 as part of an informal consultation exercise. It had been clear from that consultation there was little support for continuing to operate the schemes without making significant changes to the layout and quality of the accommodation.

Cabinet was advised that assessments of Option 1 (Continue with No Change) and Option 2 (Increase the range of Occupancy) had demonstrated that the Council's Housing Revenue Account (HRA) would have to continue subsidising an ongoing revenue loss. As a result it was not a viable option to keep operating those two premises with such low occupancy rates.

Therefore, it was now proposed by the Housing Portfolio Holder that the Spendells House scheme in Walton-on-the-Naze should be closed which would provide annual savings to the HRA. Options in respect of the future use of that site would be brought to Cabinet once they had been fully evaluated by the Officers.

The Portfolio Holder's further recommendation was that the sheltered accommodation in the Honeycroft scheme in Lawford, not including the 8 bungalows, would also be closed which would also provide on-going savings to the HRA, but with further work being undertaken to explore future possibilities for that site, which could include the provision of alternative bungalow accommodation potentially for the use of existing residents but such options would require detailed financial modelling within the HRA to determine their viability.

Cabinet was made aware that a statutory formal consultation on the Portfolio Holder's proposals must be undertaken with residents and affected staff before the final recommendation(s) could be submitted to it.

The Portfolio Holder informed Cabinet that Frinton and Walton Town Council would be consulted on the proposals that related Spendells House.

Accordingly and in order to allow these matters to progress it was moved by Councillor Honeywood, seconded by Councillor McWilliams and:

RESOLVED that Cabinet agrees that –

1. the Spendells and Honeycroft Sheltered Housing schemes have proven to be unpopular for several years due to their shared facilities and dated design and that it is economically unviable for the Housing Revenue Account (HRA) to continually subsidise the on-going and increasing revenue loss of rental income at these schemes;
2. formal consultation on the principle of closing both the schemes be commenced with residents in accordance with Section 105 of the Housing Act 1985;
3. that the Portfolio Holder for Housing present the outcome of the viability work for each scheme to the Service Development and Delivery Committee, during the consultation period;

4. the outcome of the formal consultation, along with more detail on the costs associated with closure, be reported back to Cabinet to inform the final decisions on the future of these schemes;
5. an associated budget of £200,000 within the HRA in 2017/18, be established to support residents throughout the whole process, funded from the HRA General Reserve;
6. Officers be authorised to commence preparations to secure alternative accommodation for affected residents in the event that Cabinet decides to close these schemes, including holding open voids at other sheltered schemes; and
7. further work be undertaken by Officers exploring the provision of alternative sheltered type housing accommodation after detailed financial modelling within the HRA.

109. MANAGEMENT TEAM ITEMS

There were none on this occasion.

110. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Stock, seconded by Councillor G V Guglielmi and:

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Items 20 and 21 on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraph(s) of Part 1 of Schedule 12A, as amended, of the Act.

111. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING PORTFOLIO HOLDER - B.1 - LAND EAST OF LOTUS WAY, JAYWICK, CLACTON-ON-SEA

That Cabinet –

- (a) notes the progress of the Coastal Community Team, whose membership includes representation from Government, the community and the Council;
- (b) endorses the development of 10 properties at Jaywick Sands, five units being retained for Council housing stock and let in accordance with a local allocations policy (a local lettings plan);
- (c) authorises the Corporate Director (Operational Services) to develop and implement, in consultation with the Housing Portfolio Holder, a local allocations policy for Jaywick Sands which prioritises lettings to local residents;
- (d) agrees to formulate a Starter Homes Policy, using the definition proposed within the Housing and Planning Act 2016, for disposing of the remaining five properties to qualifying residents such as Key Workers;

- (e) authorises the Corporate Director (Operational Services) to develop and implement, in consultation with the Housing Portfolio Holder, a Starter Homes Policy, including assessment criteria and decision making for disposing of homes in accordance with Consent A of the General Housing Consents Order 2013; and
- (f) excludes disposals of properties as Starter Homes from the Property Dealing Procedure, as these will be subject to the Starter Homes Policy.

The Meeting was declared closed at 11.56 am

Chairman